

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 7-24-02 Item 3.d.

File Number
PDC 01-08-084

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
429-01-046

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Anastazia Aziz

Location: East side of Curtiss Avenue approximately 500 feet south of Willow Street

Gross Acreage: 0.44

Net Acreage: 0.44

Net Density: 7 DU/AC

Existing Zoning: R-M Residential Multi-Family

Existing Use: Single-family Residential

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-family Residential

GENERAL PLAN

Completed by: AA

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AA

North: Multi-family Residential

R-M Residence

East: Multi-family Residential

R-M Residence

South: Single-family Residential

R-M Residence & R-1-8 Residence

West: Single-family Residential

R-1-8 Residence

ENVIRONMENTAL STATUS

Completed by: AA

☐ Environmental Impact
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☒ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: AA

Annexation Title: Willow Glen

Date: 10/01/1936

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT

DEVELOPER/OWNER

Erik Schoennauer
2066 Clarmar Way
San Jose, CA 95128

Greg Mussallem
PO Box 5144
Carmel, CA 93921

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AA

Department of Public Works

See attached memo

Other Departments and Agencies

See attached memorandum from Police Department and Fire Department .

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The applicant, Greg Mussallem, is requesting a Planned Development Rezoning to allow a total of three single-family detached units on a 0.44 gross acre site. A Planned Development Zoning is required because of the flag lot configuration of the proposal.

Site Conditions and Context

One non-historic dwelling unit, circa 1950, currently exists on the site and is proposed for demolition. Two non-ordinance size existing trees on the site are proposed for removal. A mixture of multi-family residential uses and single-family uses surround the site. The properties to the north and east are developed with multi-family attached units. To the south and west, the neighborhood is characterized by single-family detached residential units, similar to the existing situation of the subject site.

The property is located just four blocks east of Lincoln Avenue. This section of Lincoln Avenue is designated *Neighborhood Business District* by the 2020 General Plan and is within walking distance of the subject property. Currently, VTA operates bus No. 25 along Willow Street which provides service to Lincoln Avenue and the Tamien Light rail station. A commercial shopping area, located at Willow Street and Bird Avenue is also within easy walking distance of the subject property.

Project Description

The three proposed residential buildings are accessed via a private, common driveway and pedestrian sidewalk along the southern edge of the property. The front door entry of the unit located closest to Curtiss Avenue is oriented towards the street and a two-car garage accessed from the common private driveway is not visible from the street. The second unit is centrally located on the property and the front entry is just visible from the street and the two-car garage is located to the rear of the residence. The third unit is located at the terminus of the driveway with the front porch and main entry visible from the street.

The proposed buildings reach a maximum height of 30 feet (two stories) and range in size from approximately 2,300 square feet up to 3,000 square feet. The lot sizes range from approximately 4,000 square feet to 5,800 square feet.

Each unit provides two covered parking spaces in a doublewide garage configuration with an 18-foot driveway apron. Three guest parking stalls are provided on Curtiss Avenue adjacent to the project frontage. Private, outdoor open space is provided for all three units.

The Department of Public Works has abandoned an earlier street-widening project along Curtiss Avenue and is working with the applicant to complete the street vacation process for a 10-foot wide undeveloped strip of property along the site frontage adjacent to the existing pavement of Curtiss Avenue. This strip was previously given to the City to facilitate the future widening.

ENVIRONMENTAL REVIEW

The project is exempt from further environmental review pursuant to the California Environmental Quality Act under Section 15303 (a) which exempts up to three single-family residences in urban areas. The subject proposal contains three single-family dwelling units. The existing home on the property was evaluated for historic status and found to be non-significant.

COMMUNITY OUTREACH

A well-attended community meeting was held on October 16, 2001 at the subject site. Community members generally expressed support for the proposal. Notices of the community meeting and the public hearings were mailed to all property owners and tenants within 1,000 feet of the subject site. Notice of the public hearings was also published in the newspaper.

GENERAL PLAN CONFORMANCE

The proposed residential use is in conformance with the *Medium Low Density Residential* (8 DU/AC) designation of the property in the General Plan, with the resulting density of the proposal at 7 DU/AC.

ANALYSIS

The primary issue associated with this proposal is consistency with the Flag Lot Policy. The three lots are referenced in this report as the western lot (adjacent to Curtiss), middle lot, and eastern-most lot.

Flag Lot Policy Consistency

Flag Lot Policy provides direction regarding the appropriate location of single-family flag lot development, setbacks and site design, parking, and building massing and architecture as discussed below.

Appropriate Location

The Policy specifies that flag lots are not appropriate in situations where a series of large lots could be converted to flag lot development, thereby changing the character of the neighborhood. To prevent a proliferation of flag lot development in a single neighborhood, the Policy specifies that such development is appropriate only on lots that are of unusual size or configuration. The subject lot is clearly not unique in terms of size or configuration: other similar lots exist on Curtiss Avenue and in the greater neighborhood. Although the subject site is not unusually large, the property does function as a transition point between the multi-family and commercial properties close to Willow Street to the north and on Bird Avenue to the east, and the single-family lots to the south and west. Given the pivotal location of the property on Curtiss Avenue, the proposal for three single-family detached homes in a flag-lot configuration is appropriate for this site.

Setbacks and Site Design

The Flag Lot Policy directs that all lots shall orient to the street, that front setbacks for the front unit must match the neighborhood pattern and that “front” setbacks for rear units meet the R-1 Residence Zoning District standards (the R-1-8 Residence District in the new Zoning Code).

The front and rear lots of the three-unit proposal orient to the street in conformance with the Policy. The middle lot primarily orients to the driveway but may be partially seen from street. The proposed front and side yard setbacks for the proposed western lot adjacent to Curtiss Avenue are consistent with existing setbacks of surrounding single-family residential uses consistent with the Policy. The 23-foot front yard setback (with permitted five-foot encroachment for a front porch) and five-foot side yard setbacks closely mirror the setback standards for the R-1-8 Residence Zoning District and help maintain the development pattern of the neighborhood. However, the front and rear yard setbacks for the middle lot do not meet R-1-8 standards, nor do the rear yard setbacks for the western lot or the front yard setbacks for the eastern lot. Additionally, the Policy directs that each unit shall have both a front and rear yard on opposite sides of the unit which the proposal does not accommodate. Given the higher density of the adjacent multi-family uses and the transitional location of the subject property, reduced setbacks at certain locations on the lot are appropriate, variation in the location of the front and rear yards and the orientation of the middle lot is acceptable. The reduced setbacks aid in giving the middle and eastern-most units street presence. A three-foot landscape setback between the common driveway and sidewalk is incorporated into the development standards as directed by the Flag Lot Policy.

The Flag Lot Policy also directs that private rear yards shall have a minimum setback of 25 feet and a minimum area of 1200 square feet. The development standards for this zoning accommodate a minimum 25-foot dimension for rear yards; however, the rear yards are a minimum of 500 square feet. These rear yards are larger than the minimum required for multi-family units and given the transitional nature of this location between single-and multi-family uses, a reduced rear yard area for certain units is appropriate.

Parking and Access

The Flag Lot Policy defers to the Residential Design Guidelines for parking. The proposal meets the required parking ratios specified by the Residential Design Guidelines for single-family units with an 18-foot driveway apron, namely two covered spaces per unit and 1 guest space per unit. Each unit accommodates two covered parking spaces in a doublewide garage configuration. Three guest spaces are provided on Curtiss Avenue along the property frontage. Although guest parking for units having no street frontage is not provided at each unit as directed by the Flag Lot Policy, a sidewalk provides direct pedestrian access from the on-street guest parking in lieu of on-site guest parking. Despite the site’s location proximate to the Lincoln Avenue Neighborhood Business District and Tamien Station, no parking reduction is proposed for this project.

One common 12-foot wide driveway accompanied by a four-foot sidewalk provides vehicular and pedestrian access to the units. A three-foot wide landscape strip will be provided on either side of the common drive/sidewalk as directed by the Flag Lot Policy; however, the proposed sidewalk configuration adjacent to the driveways is problematic. The sidewalk should not jut out into the common driveway in order to accommodate an 18-foot private driveway apron. Staff will work with the applicant at the Planned Development Permit stage to either shift the garages to the north or accommodate a full 18-foot apron that will not require a jog in the sidewalk. If the full 18-foot apron cannot be accommodated, an increase in guest parking to meet the 1.3 ratio will be required.

Building Massing and Architectural Design

Oversize-single-family residential units threaten the character and stability of existing neighborhoods and the scale of proposed housing should reflect the scale of existing single-family homes in the neighborhood. The Flag Lot Policy directs that the mass of the units should be consistent with the average mass in the surrounding neighborhood. The overwhelming massing of the middle unit should be reduced to better integrate with the existing neighborhood. Staff has included a FAR limit of 0.55 in the zoning development standards. An FAR of 0.55 will result in a building scale that is generous given the scale of existing homes in the neighborhood, but is appropriate for this parcel given its proximity to multi-family and commercial uses.

The proposed conceptual elevations and architectural design mimic a builder contemporary style, which is not in keeping with the older homes in the neighborhood. Homes in the Willow Glen neighborhood are generally single-story bungalows circa 1940 and represent the arts and craft or spanish/mediterranean style. The proposed architecture, particularly of the unit adjacent to Curtiss should be revised to blend better with the traditional architectural styles in the greater neighborhood. Staff will continue to work with the applicant at the Planned Development Permit stage to reduce the massing and scale of the units and to improve the architectural integrity of proposed designs.

Conclusion

Given the transitional nature of the parcel, staff concludes that the proposed rezoning meets the general intent of the Flag Lot Policy and provides development standards that will facilitate a project design that is compatible with the surrounding neighborhood.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of *Medium Low Density Residential: 8 DU/AC*.
2. The proposed project is generally consistent with the Flag Lot Policy.
3. The project furthers the goals and objectives of the City's infill housing strategies.
4. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments